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•	RETT & STEINKRAUS,	MARCHESCHI, MICHAEL A			
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. ### ### Application No. ### ### Application No. ### ### ### Application No. ### ### ### Application No. ### ### ### ### ### ### ### ### ### #				<u> </u>
Examiner		Application No.	Applicant(s)	v
Michael A. Marcheschi —The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 28 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file once of the following replies: (1) an amendment, affidavit, or other evidence, which is application, applicant must timely file once of the following replies: (1) an amendment, affidavit, or other evidence, which is application, applicant must timely file once of the following replies: (1) an amendment, affidavit, or other evidence, which is application, applicant must timely file once of the following time periods: a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: b) ☐ the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is talter. In or event, however, with the statutory period for reply expire is term in SIX MONTHS form the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY OFECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WFEP 706 707(h). Ettersions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee under 37 CFR 1.179(a) is calculated from: (1) the expiration date of the shortherd statutory period for reply originally set in the final Office action, or (2) and yield after a final rejection, which were the mailing date of the final rejection with a proper and option of the final rejection of the shortherd statutory period for reply originally set in the final Office and the mailing date of the final rejection with a final replaced or period of the final rejection	· · · · · · · · · · · · · · · · · · ·	10/674,209	IWASA, SHOJI	
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this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.114. The reply must be filed within one of the following time periods: a) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. It no event, however, will the statutory period for reply expires after than 51xt MONTHS from the mailing date of the final rejection. Examiner Note: Ilbox 15 is checked, check either box (3) or (5) ONLY CHECK BOX (0) WHEN THE FIRST REPLY RELEGATION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of identifying the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee set forth in (3) above, fichecked. Any reply revolved by the Office later than three months after the mailing date of the final rejection, even fitney find may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 1 The Notice of Appeal was filed on	THE REPLY FILED 28 August 2006 FAILS TO PLACE THIS AI	PPLICATION IN CONDITION FOR	ALLOWANCE.	
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ATTACHMENT TO ADVISORY

Prior to addressing the declaration, the examiner would like to point out that in the tables of this declaration, the print quality is poor, thus making it hard to decipher some of the values in the tables (some of the data appears to be grayed out in the offices copy of the declaration).

Although the print quality is poor, the examiner can ascertain from the description of the declaration what the declaration defines, however, it is requested that a clear copy of the declaration be submitted.

Applicants arguments are based on the supplemental declaration filed 8/28/06. The examiner has reviewed this declaration and this declaration does not realistically show unexpected results for all of the possible combinations of HEC and PEO defined in the claims in comparison to a composition outside the claimed limitations (composition that contains the same components (references) but the amounts and MW are outside the claimed values). The claims define a composition comprising a combination of PEO and HEC, wherein the PEO is present in a defined range (more than 0.005-less than 0.5% PEO) and has a defined molecular weight (30,000-50,000,000) and the HEC is present in a defined range (0.01-3% HEC) and has a defined molecular weight (300,000-3,000,000). The claims also do not define the type of alkaline component and amount thereof. Although, from the tables in the declaration, one can envision ranges of amounts and molecular weight for both the PEO and HEC, the ranges defined in the tables for these components are much more narrow than those claimed and said tables also include other specifics (one specific alkaline component in a specific amount), thus the results are not commensurate in scope with the claims. In other words, applicant only shows data for HEC with a maximum MW of 1,800,000 at a concentration of between 0.05% and 2% and the

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examiner is unclear as to how this would establish criticality for HEC with a MW of more than 1,800,000 to 3,000,000 at a concentration of between 0.01 and 3%, as claimed. Applicant also only shows data for PEO with a MW of between 800,000 and 8,000,000 at a limited concentration defined in the tables and the examiner is unclear as to how this would establish criticality for PEO with a MW of 30,000-less than 80,000 and more than 8,000,000 to 50,000,000 (i.e. highest MW defined in the tables is much lower that the claimed maximum MW). Applicant also never compares the claimed composition with compositions outside the claimed limitations (composition consistent with the references). Applicant does not show criticality for the combination, as claimed (criticality for HEC, PEO, and any alkaline material in the broad amounts and the broad molecular weight ranges). Any evidence provided does not establish criticality for all possible combinations of HEC and PEO with all MW values. Finally, the declaration makes a statement that "the same unexpected results that occur with ammonium at 1% will occur with all alkaline compounds". Applicant fails to support this statement with evidence. Assuming arguendo, the amount of alkaline component would only be limited to 1% and the claims do not define this. The declaration makes a statement that "the same unexpected results will occur with all weight percentages of the alkaline compound". Applicant fails to support this statement with evidence.

In summary, the scope of the data defined in the tables is still not commensurate in scope with the claims and although the examiner can extrapolate the data to determine a trend, no such trend is established in the instant case because the data defined in much narrower than the claimed values (see, for example, the lowest and highest MW of PEO and the highest MW of HEC, as well as when these MW materials are used in various amounts and combination). In

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addition, criticality for any and all amounts of alkaline compound and any and all types of alkaline compounds has not been clearly established since no evidence is provided.

In view of the above, claims 1-5 are rejected for the same reasons set forth in the previous office action.